REGISTERED No. M. 4631.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. II] Trivandrum, Thursday, 1st August 1957 [No. 83

GOVERNMENT OF KERALA

Law Department

NOTIFICATION

LD (b) 4-3502/57/Law.

Dated, Trivandrum, the 1st August 1957.

The following Ordinance, promulgated by the Governor of Kerala, is hereby published for general information.

By order of the Governor,

P. NARAYANASWAMI,
Additional Secretary.

ORDINANCE No. 2 OF 1957

THE TRAVANCORE-COCHIN IRRIGATION (AMENDMENT) ORDINANCE, 1957

Promulgated by the Governor of Kerala in the Eighth Year of the Republic of India.

AN

ORDINANCE

to amend the Travancore-Cochin Irrigation Act, 1956.

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Travancore-Cochin Irrigation Act, 1956;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Travancore-Cochin Irrigation (Amendment) Ordinance, 1957.

(2) It shall be deemed to have come into force on the 20th day of November, 1956.

2. *Insertion of new section 40A.*—During the period of operation of this Ordinance, the Travancore-Cochin Irrigation Act, 1956 (President's Act VII of 1956), shall have effect as if after section 40 the following new section had been inserted, namely:—

"40A. *Procedure on failure to contribute cost or labour for work to be done by joint labour.*—(1) Whenever, by local custom or for other good reason, any work for purposes of agriculture should be done by the joint labour or cost of the proprietors of all the lands benefited for such work, if any such proprietor fails or neglects to do his share of the work or contribute his share of the cost or labour, it shall be lawful for the Collector, the Punja Special Officer or any Officer specially authorised by the Government in this behalf, on the application of a reasonable number of proprietors interested in such work

or injured by such failure or neglect, to investigate the matter and pass such order as he deems fit and he may by such order also direct the defaulting proprietor to execute any portion of the work or pay any portion of the cost of the work. If the order directs that the defaulting proprietor shall execute a portion of the work, it shall distinctly specify the portion of the work to be executed, the time within which it should be done at the estimated cost of such work. On the defaulting proprietor refusing or failing to execute the work within the time prescribed in the order, the cost of the work may be recovered from such defaulter as arrears of land revenue and the work executed under the orders of the Collector, the Punja Special Officer or such Officer specially authorised as aforesaid.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for any of the proprietors to do the work or to contribute the cost or labour, which the defaulting proprietor or proprietors should have done or contributed, and, in case he has so done or contributed after giving notice to the defaulting proprietor or proprietors, he may apply to the Collector, the Punja Special Officer or any Officer specially authorised by the Government in this behalf, to order the defaulting proprietor or proprietors to compensate him for the reasonable cost or labour incurred by him. The Collector, the Punja Special Officer or such Officer specially authorised as aforesaid may thereupon give notice to the defaulting proprietor or proprietors, hear him if he appears and make such other investigations as he thinks necessary and order the defaulting proprietor or proprietors to pay a sum of money as would be, in the opinion of the Collector, the Punja Special Officer or such Officer specially authorised as aforesaid, sufficient compensation for such reasonable cost or labour.

(3) (a) Any aggrieved party may appeal to the Government or to any Officer specially authorised by the Government in this behalf by notification in the Gazette against any order passed by the Collector, the Punja Special Officer or the Officer specially authorised under sub-section (1) or sub-section (2), provided that such appeal is preferred within such time as may be prescribed by the Government, and the Government or such other Officer, as the case may be, may thereupon pass such orders as they or he think are just and reasonable after giving notice to the opposite party and hearing him if he appears.

(b) It shall be lawful for the Government to revise any order of the Collector, the Punja Special Officer or the Officer specially authorised, made under this section and pass such orders as are in their opinion just and reasonable.

(4) Any sum of money ordered to be paid under the provisions of this section may also be recovered from the defaulting proprietor as arrears of land revenue and the amount so recovered paid to the party entitled to it.

Illustration.—The putting up of ring bunds or draining of water in *punja padams* in Kuttanad or Kole lands in Trichur Taluk are works contemplated in this section."

B. RAMAKRISHNA RAO,

Governor.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT CENTRAL PRESS, TRIVANDRUM. 1957.